G. R. S. IX-5]

Previous references.

File No. 12.

1901-02.

(Medical)

Serial Nos. 1-7.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

M ~~Part~~ B for May, 1902.

SUBJECT.

Attendance of Medical officers before Courts.

W D 88—GPB—50,000—24-7-16

No. 5188-216—Mis. 995, dated, Bangalore, 8th November 1897.

Order.—The following compilation of papers *in re* direct correspondence between Darbar Officers and Officers of the British Government is published for information and guidance.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—Heads of Departments.
The Deputy Commissioners of Districts.

Revenue Processes.

1. *Letter No.* 280—60, *dated 6th May* 1885, *from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to the correspondence ending with your letter No. 27, dated 17th October 1884, regarding the mutual direct service of revenue processes by Mysore and Madras Revenue officers, I am directed to forward, for your information, copy of letter No. 263 Mis., dated 18th April 1885, from the Government of Madras, expressing the opinion of His Excellency the Governor in Council that the existing arrangements under which these processes are reciprocally served, may with advantage be continued, and that the local authorities in the Madras Presidency will be instructed accordingly.

Enclosure to the above.

2. *Letter Political No.* 263, *Miscellaneous, dated* 18*th April* 1885, *from the Chief Secretary to the Government of Madras, to the Resident in Mysore.*

With reference to your letter No. 1490—780, dated 20th October 1884, I am directed to state that the existing arrangements by which money voluntarily paid is received and remitted by the British and Mysore States, may with advantage continue, and that notices of demands of arrears should be served by the British District officers at the request of those of Mysore and *vice versa*, no coercive process being applied on either side.

2. As it appears from your letter under reply that this course is accepted by the Government of Mysore, the Madras Board of Revenue has been desired to issue the necessary orders to British Collectors.

No. 1261-9—43, dated 15th May 1885.

Order.—Copy forwarded to Deputy Commissioners of Districts and Sub-Division Officers.

3. *Letter Camp No.* 465, *dated* 13*th June* 1885, *from the Secretary to the Dewan of Mysore, to the Deputy Commissioner, Tumkur District.*

His docket No. 187 of the 5th instant, enquiring with reference to this office Proceedings No. 1261-9—43 of 15th May 1885, if correspondence regarding the reciprocal service of revenue processes may be carried on by District officers in Mysore *direct* with those in Madras.

Has the honor to reply in the affirmative.

Camp No. 466-73, dated 13th June 1885.

Copy forwarded to other Deputy Commissioners and Sub-Division Officers for information and guidance.

4. *Letter No.* 2394—4677, *dated* 29*th July* 1887, *from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your office letters Nos. 1909-167 and 2152-130, dated 8th and 16th July 1887 respectively, regarding the recovery of arrears* of moliatarfa tax due to the Mysore Durbar from certain persons residing in the Civil and Military Station of Bangalore.

	Rs.	a.	p.
* Darjee Subba Row ...	4	8	0
Billan Khan ...	14	7	0
	18	15	0

2. In reply, I am to inform you that the Officiating Resident will be happy to direct any notices of demand received from the Mysore Government to be served on persons residing in the Civil and Military Station, but that the officers of the Station do not seem, in his opinion, to be invested with any powers to enforce payment in such cases. The position seems to be the same in regard to revenue demands falling due in British India from persons residing in Mysore Territory, and this had, on one or two recent occasions, to be explained to Collectors in the Madras Presidency who applied to have payment of such demands enforced in the Mysore State.

3. I am to observe, however, that the amounts at stake in the few cases that occur on either side seem to be so trifling that it appears to Mr. Fitzpatrick hardly worth while to set about an amendment of the existing law.

4. The original papers said to have been forwarded with your office letters cited above, have not been received in this office.

No. 3028-9—Cir. 84, dated 23rd August 1887.

Copy of the foregoing is forwarded to the Deputy Commissioners of Kolar and Hassan for information with reference to their letters Nos. 323—87 of 3rd June and 160 of 9th July 1887 respectively.

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5. *Letter No.* 3571—4677, *dated* 31*st October* 1887, *from L. White King, Esq.*, C.S., *Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your office letter No. 1426, dated 7th October 1887, applying for the recovery of arrears of revenue due to the Mysore State from persons residing outside the State.

2. In reply, I am to refer you to my letter No. 2394—4677, dated 29th July 1887, and to say that the remarks therein contained apply with equal force to arrears of revenue due to the Durbar by persons residing in British Territory.

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6. *Letter No.* 2913—7375, *dated* 28*th August* 1888, *from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your office letter No. 3705—258, dated 15th August 1888, I am directed to refer you to the correspondence ending with Mr. Martindale's letter No. 280—60, dated 6th May 1885, and to say that direct communication should be maintained between the Collectors in British India and the District officers in Mysore in regard to the service of notices for arrears of revenue.

2. The original enclosures of your office letter under reply are herewith returned.

Criminal Processes.

7. *Proceedings of the Dewan to His Highness the Maharaja of Mysore* (*Judicial*).

READ:—Letter from the Deputy Commissioner of the Kolar District, No. 707—297, dated the 12th August 1881.

No. 4109-7—114, dated Bangalore, 17*th August* 1881.

ORDER THEREON.—The propriety of enforcing Act XIII of 1859 in Mysore is under consideration. Meanwhile, warrants issued from the Civil and Military Station of Bangalore, which is assigned and not British Territory, should be treated like warrants in other parts of the Mysore Province.

General, dated 8th November 1897.

8. *Letter No. 50, dated Bangalore, 2nd September 1881, from the Dewan of Mysore, to the Resident in Mysore.*

In forwarding the accompanying copy of Proceedings No. 4100-7—114 of the 17th August 1881, I have the honor to request that such general instructions may be issued as may be considered necessary to facilitate the execution of warrants of the Magistrates in this Province in the Civil and Military Station of Bangalore. As the Extradition Rules do not apply to it, there is no reason why the warrants should not be given effect to by the Magistrates themselves without reference to the head office.

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9. *Letter No. 1409—G.281, dated Bangalore, 5th September 1881, from the Assistant to the Resident in Mysore, to the Dewan to His Highness the Maharaja of Mysore.*

With reference to your letter No. 50 of the 2nd instant, I am desired by the Officiating Resident to forward for information copy of a letter this day addressed to the Magistrate of the Civil and Military Station of Bangalore in regard to the execution of warrants between Magistrates in the Station and the Mysore Province.

Enclosure to the above.

10. *Letter No. 1407—J. 502, dated Bangalore, 5th September 1881, from the Assistant to the Resident in Mysore, to the Magistrate, Civil and Military Station, Bangalore.*

In reply to your letter No. 142—14 of the 29th August, I am desired by the Officiating Resident to observe that as the Civil and Military Station of Bangalore is not British but Mysore Territory, processes of criminal courts of the Station and of the Mysore State may be freely exchanged and executed between the Station and the interior of Mysore.

11. *Letter No. 104—25, dated Bangalore, 13th April 1883, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your Secretary's letter No. 27, dated 9th instant, applying for a warrant under the Extradition Act addressed to the Officer Commanding 15th Regiment, M. N. I., Bangalore, for the surrender to the Mysore authorities of one Jamaludin *alias* Abdul Wahab, who is accused of having committed the offence of theft in the Kolar District, I am directed by the Resident to state that as the Civil and Military Station of Bangalore, in which the accused person is said to reside, is Mysore Territory and not part of British India, it is inappropriate to apply the Extradition Act in the present case. The proper course seems to be for the District Magistrate of Kolar to issue his own warrant for the arrest of the accused person, and to send it to the District Magistrate of the Civil and Military Station for execution. I am at the same time to invite your attention to this office letter No. 1409—281, dated 5th September 1881, to the late Dewan, stating that processes of criminal courts may be freely exchanged and executed between the Civil and Military Station and the interior of Mysore.

2. The original enclosures of your Secretary's letter are herewith returned.

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12. *Letter No. 1612—264, dated 10th November 1884, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I have the honor, by desire of the Resident, to convey to you (in para 8 of this letter) for the information of the Government of His Highness the Maharaja

the orders of the Government of India regarding the surrender of criminals between the Civil and Military Station of Bangalore and the Mysore State.

2. The correspondence which led to these orders being passed may be briefly stated as follows:—

In July 1883 the Government of India, in acknowledging the receipt of a copy of the correspondence which passed between the Resident and the Durbar in the case of one Jamaludin *alias* Abdul Wahab, observed that the procedure in cases of extradition between the Civil and Military Station of Bangalore and the State of Mysore appeared to be governed by rules framed in 1881, and requested, if such was the case, that the Foreign Office might be furnished with a copy of the rules in question.

3. In answer to this letter, Mr. Lyall informed the Government of India that no rules on the subject under reference had been passed; but that the question having arisen in 1881, the then Officiating Resident (Mr. Sandford) had expressed the opinion that criminal processes might be freely exchanged and executed between the Civil and Military Station and Mysore, as the former was not British but Mysore Territory. Mr. Lyall added that the Government of His Highness were also of the same opinion, and that by virtue of the orders then passed there was now complete reciprocity in the execution of criminal processes between the Station and Mysore.

4. In reply to the above, the Government of India observed that the orders passed by Mr. Sandford and the Durbar appeared to be based upon an imperfect apprehension of the circumstances of the case. While admitting that the Civil and Military Station was no doubt Mysore Territory in that the ultimate sovereignty over it remained with the Maharaja, the Government of India pointed out that the exclusive management of the tract comprising the Civil and Military Station had been assigned to the British Government and that His Highness had expressly renounced all jurisdiction within it and that consequently it did not by any means stand on the same footing with the districts of the Mysore State in regard to matters of jurisdiction, the Government of India could not therefore accept the theory put forward by Mr. Lyall's predecessor and the Durbar.

5. The Government of India then proceeded to observe that on the one hand the rules issued by the Durbar having never been sanctioned by the Governor General in Council were not expressly binding on British Courts, and that on the other a strict adherence to the provision of the Extradition Act was unnecessary and would probably be inconvenient, and suggested the adoption of a set of rules to meet the requirements of the case.

The Government of India forwarded at the same time for the Resident's consideration a copy of the rules framed to regulate the surrender of criminals between the Cantonment of Secunderabad and the Hyderabad State, and which it was remarked might be made adaptable to the Civil and Military Station.

6. After a very careful conisderation of the rules immediately above referred to, the Resident came to the conclusion that their adoption as between the Civil and Military Station and Mysore was for several reasons undesirable, and in his reply to the Government of India Mr. Lyall stated fully the grounds of his objections to them.

7. It will be unnecessary for the purposes of the present communications to detail the arguments advanced by the Resident in support of his views. It will be sufficient to state that the conclusions arrived at by Mr. Lyall were, first, that a freer procedure might safely be allowed between the Civil and Military Station and the rest of Mysore than between the Cantonment of Secunderabad and the rest of Hyderabad; and secondly, that as the Magistrates of Mysore receive direct and execute all criminal processes of the Magistrates of British India, there was nothing of itself anomalous or inconsistent with the complete jurisdiction of the British Government in the Civil and Military Station of Bangalore in the arrangement made by Mr. Sandford and the Dewan. Mr. Lyall asked the Government of India to reconsider the question then before them and recommended that the arrangements made by Mr. Sandford and the Durbar in 1881 for

General, dated 8th November 1897.

the reciprocal recognition and execution of all criminal processes issued respectively by Mysore and Civil and Military Station Magistrates, might be sanctioned by the Governor General in Council.

8. The continuance of these arrangements, I am to say, has now been formally sanctioned by the Governor General-in-Council * * *

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13. *Letter No.* 5552—155, *dated Bangalore, 29th October* 1892, *from the Registrar of the Chief Court of Mysore, to the Chief Secretary to the Dewan of Mysore.*

I am directed to forward for the consideration and orders of Government the question raised by the District Magistrate of Kolar, in his letter No. 1287—844 of the 22nd instant, copy of which is enclosed, whether distress warrants issued by the Courts in the Civil and Military Station, Bangalore, can be executed in Mysore, and to state that, in the opinion of the Judges, there ought to be reciprocity of action in the matter; more especially as the Civil and Military Station forms part of the Territories of Mysore. It seems desirable to come to a definite understanding on the point, and to issue a notification so as to remove all doubts.

Enclosure to the above.

14. *Letter No.* 1287—844, *dated Kolar, 22nd October* 1892, *from the District Magistrate of Kolar, to the Registrar of the Chief Court of Mysore, Bangalore.*

I have the honor to state that the Second Magistrate, Civil and Military Station, Bangalore, has forwarded to this Court for execution a warrant to enforce the payment of maintenance by distress and sale of defendant's property under Section 488 of the Criminal Procedure Code, in Criminal Miscellaneous Case No. 101 of 1892 on the file of his Court. I beg to be informed whether distress warrants issued by the authorities in the Civil and Military Station, Bangalore, can be executed in Mysore, or whether the instructions contained in your letter No. 1441—173 of the 3rd April 1891, to the address of the Sessions Judge, Nundydrug Division, are also applicable to the case under reference.

An early reply is solicited.

Enclosure to Registrar's letter No. 5892—160, dated 14th November 1892.

15. *Letter No.* 1441—173, *dated Bangalore, 3rd April* 1891, *from the Registrar of the Chief Court of Mysore, to the Sessions Judge, Nundydrug Division.*

In reply to your letter No. 555—249 of the 14th February last, forwarding copy of a docket from the District Magistrate of Kolar, bringing to notice that the District Magistrate of North Arcot returned, unexecuted, a fine levy warrant, issued in Kolar Sessions Case No. 3 of 1890, I am directed to state that the notification quoted by the District Magistrate does not seem to apply to distress warrants. The Madras High Court, in Proceedings dated 28th July 1879 (see Weir's Digest page 987), held that not only Mysore distress warrants cannot be executed in British India, but similar warrants issued by the authorities in Madras also cannot be executed in Mysore.

2. In para 15 of their letter No. 84 J., dated 25th June 1878, printed at page 21 of the late Chief Commissioner's Proceedings for July 1878, the Government of India have expressed themselves very guardedly. They say that "the processes of Mysore Courts would be respected in British India to the extent and in the manner provided for by Act XI of 1872, and by the Civil Procedure Code, the services of summonses being ensured by executive orders." A distress warrant is not referred to in Act XI of 1872.

16. *Letter No.* 13138—*J. F.* 158-92, *dated* 27*th January* 1893, *from the Dewan of Mysore, to the Resident in Mysore, Bangalore.*

I have the honor to forward herewith for your consideration, copies of the correspondence specified in the margin, regarding the execution by the Courts in Mysore of fine warrants issued by criminal courts in the Civil and Military Station of Bangalore and *vice versa*.

1. Letter No. 5552—155, dated 29th October 1892, from the Registrar of the Chief Court, to the Chief Secretary.
2. Letter No. 1287—844, dated 22nd idem, from the District Magistrate of Kolar, to the Registrar, Chief Court.
3. Letter No. 1441—173, dated 3rd April 1891, from the Registrar, Chief Court, to the Sessions Judge, Nundydrug Division, referred to in the above letter.

2. The Durbar concurs in the view taken by the Judges of the Chief Court that it is desirable that there should be a reciprocity of action in the matter. Should you also concur in this opinion, I request that the Government of India may be moved to issue a notification as suggested by the Chief Court.

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17. *Letter No.* 634—726-85, *dated Bangalore,* 24*th February* 1893, *from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your letter No. 13138—J. F. 158-92, dated the 27th January 1893, requesting that the Government of India be moved to issue a notification establishing reciprocity of action in the matter of criminal distress warrants between the Civil and Military Station of Bangalore and the Mysore State.

2. In reply, I am to invite your attention to this office letter No. 1612-264 and to letter No. 34 from the Mysore Government to this office, dated the 10th and 19th November 1884 respectively, and to inform you that a notification by the Government of India appears to be superfluous, as they have accorded their formal sanction to the arrangements of 1881 under which reciprocity of action in respect of all criminal processes existed between the Civil and Military Station and the Mysore State.

18. *Letter No.* 16793—*J. F.* 158-92, *dated* 13*th April* 1893, *from the Chief Secretary, to the Registrar of the Chief Court of Mysore.*

With reference to your letter No. 5552—152, dated the 29th October last, soliciting orders of Government as to whether distress warrants issued by the courts in the Civil and Military Station can be executed in Mysore or not, I am to observe that complete reciprocity exists between the Civil and Military Station of Bangalore and the rest of the Mysore State as regards the execution of all criminal processes by virtue of the arrangement existing between the Durbar and the British Government since the Rendition of 1881, and that there is no reason to think that the distress warrants in question are other than "criminal processes."

Police.

19. *Letter No. 3782-7347, dated Bangalore, 6th November 1889, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

In continuation of previous correspondence, I am directed to enclose for your information a copy of a letter addressed to the District Superintendent of Police in the Civil and Military Station on the subject of direct correspondence between him and officers of the Mysore State.

2. I am to suggest the expediency of your issuing similar orders to your subordinate officers as regards their conviction registers.

Enclosure to the above.

20. *Letter No. 3781-7347, dated Bangalore, 6th November 1889, from the Assistant to the Resident in Mysore, to the District Superintendent of Police in the Civil and Military Station of Bangalore.*

In modification of previous instructions on the subject of direct correspondence with officers of the Mysore State, I am directed to state that extracts from conviction registers may in future be forwarded by you direct to the officers concerned.

2. I am to return the sixteen extracts received from your office on the 2nd instant for direct transmission to the addressees.

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21. *Letter No. 6426-703, dated 18th November 1889, from the Chief Secretary to the Dewan of Mysore, to the Inspector General of Police in Mysore.*

Forwards for information and guidance and for communication to Police officers the accompanying copy of a letter No. 3782-7347, dated the 6th November 1889, from the Assistant to the Resident, and of its enclosure, with the remark that the procedure laid down in the Resident's instructions to the Civil and Military Station Police will be adhered to in future by the Police of the State.

22. *Letter No. 1892-76, dated the 19th May 1891, from the Chief Secretary to the Dewan of Mysore, to the Assistant to the Resident in Mysore.*

I am directed to request that you will be good enough to move the Resident to accord a general permission for direct correspondence in Police matters between the Mysore Police and the Police of the Civil and Military Station.

2. Results in Police work depend much on quickness and promptitude in interchange of information, and the freedom which exists for direct correspondence between the Mysore Police and the Police of adjoining British Collectorates has in no small degree contributed to diminution and sometimes entire suppression of crime on the frontier.

3. Similar freedom in respect of interchange of communications, such as furnishing information of crime, circulating lists of stolen property, and other intelligence for the detection and perhaps even for prevention of crime, between the Civil and Military Station Police and the Mysore Police, should prove equally beneficial, as offences committed in the districts are sometimes traced to bad characters who live within Civil and Military Station limits, and probably also *vice versa*.

4. At present, extracts from conviction registers may alone be exchanged direct.

23. *Letter No. 1652—734-7, dated Bangalore, 1st June 1891, from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

I am directed to acknowledge the receipt of your letter No. 1892-76, dated 19th May 1891, in which you ask that a general permission for direct correspondence in Police matters between Mysore Police and Police of Civil and Military Station may be accorded.

2. In reply, I am to inform you that the Resident regrets he is unable to accord the sanction to any general permission, as it is opposed to the rules and custom in use under the Government of India, but he is prepared to grant permission for direct correspondence in matters such as those referred to in paragraph 3 of your letter, namely:—

(i) furnishing information of crime,
(ii) circulating lists of stolen property,
(iii) intelligence of an urgent nature for detection and prosecution of crime.

No. 2568—280, dated 10th June 1891.

ORDER THEREON.—Communicated to the Inspector General of Police for information and guidance.

Railways.

24. *Letter No.* 1901—130, *dated* 21*st November* 1887, *from the Inspector General of Forests and Plantations in Mysore, to the Chief Secretary to the Dewan of Mysore.*

Referring to your docket No. 4431-40—Cir. 110, of the 12th instant, forwarding copy of a resolution by the Bombay Government No. 2238 of the 8th ultimo, and requesting that all communications addressed to the officers of the Southern Mahratta Railway Company may be sent to your office for transmission to the addressees through the Resident and the Bombay Government, I have the honor to state that if intercommunications between the officers of the Durbar and the Southern Mahratta Railway officers be interdicted, serious inconvenience and delay will probably arise, particularly in cases of fuel supply, payments for the same, or the sleepers for which bills are made out monthly and sent to the Superintendent, Way and Works, for acceptance, and generally in all petty matters connected with accounts, &c., which the local officers of the Company and the Durbar officers may settle between themselves. Under the new arrangement I presume all letters addressed by District and Forest officers to the officers of the Company have to pass first through my office, thence yours, and lastly through the Resident's office, which procedure would simply increase correspondence and cause unavoidable delay.

25. *Letter Camp No.* 1894, *dated* 25*th November* 1887, *from the Chief Secretary to the Dewan of Mysore, to the Assistant to the Resident in Mysore.*

I am directed to forward, for such action as you may deem necessary to take, copy of letter No. 1901-130, dated 20th November 1887, from the Inspector General of Forests and Plantations, representing the inconvenience which would probably arise in interdicting direct communications with the officers of the Southern Mahratta Railway Company, and to add that in the opinion of the Dewan, considerable delay might occur in adhering to the procedure laid down, and that as a modification, he would suggest that all routine correspondence, such as are enumerated by Mr. Ricketts, might be conducted as heretofore.

26. *Letter No.* 563-65-67—*En. 1, dated* 16*th February* 1888, *from Major D. Robertson, Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your office letter Camp No. 1894, dated the 25th November 1887, I am directed to forward for the information of the Durbar a copy of Resolution No. 229, dated the 31st January 1888, of the Government of Bombay in the Public Works Department, modifying the orders contained in Resolution No. 2238, dated the 8th October 1887, in so far as to admit of direct correspondence between the officers of the Southern Mahratta Railway Company and those under the Durbar on points of detail clearly included within some outline already distinctly traced and approved by the Bombay Government.

Enclosure to the above.

Southern Mahratta Railway, Mysore Railway.—Direct official communication between the officers of the Mysore State and of the Railway.

No. 229 OF 1888, P. W. DEPARTMENT, RAILWAY.

BOMBAY CASTLE, 31*st January* 1888.

READ AGAIN :—

Government resolution No. 2238, dated 8th October 1887.

General, dated 8th November 1897.

Memorandum No. 210, dated 11th January 1888, from the Political Dept.

Transfers' letter No. 4039-6567, dated 16th December 1887, from the Resident in Mysore, and enclosures, enquiring whether it may be presumed that the procedure prescribed in the above quoted resolution, prohibiting direct official communication between the Mysore State and the Southern Mahratta Railway officers, is not to be adopted in matters of mere routine.

From the Consulting Engineer for Railways, dated 23rd January 1888.

Submits letter No. 69, dated 14th January 1888, and accompaniments, from the Agent, Southern Mahratta Railway Company, on the same subject.

RESOLUTION.—The Governor in Council is pleased to modify the orders contained in Bombay Government Resolution No. 2238, dated 8th October 1887, regarding direct official communication between the officers of the Southern Mahratta Railway Company and those under the Mysore Government, in so far as to admit of direct correspondence on points of detail clearly included within some outline already distinctly traced and approved by Government. The Agent, Southern Mahratta Railway Company, should submit proposals showing the extent to which he considers such correspondence may be permitted.

Camp No. 2577-9, dated 19th February.

Copy of the above is forwarded to the Deputy Commissioners of the Bangalore, Tumkur, and Chitaldrug Districts for information.

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27. *Letter No.* 1382-6567, *dated Bangalore, 24th April* 1888, *from the Assistant to the Resident in Mysore, to the Dewan of Mysore.*

In continuation of my letter No. 563-6567, dated 16th February 1888, I am directed to forward for the information of the Durbar a copy of the resolution of the Government of Bombay in the Public Works Department, No. 724, dated the 7th instant, authorizing direct correspondence between Durbar officials and the officers of the Southern Mahratta Railway Company of and above the rank of a Sub-Divisional Officer, on routine matters, such as the supply of fuel, &c.

S. M. Railway, Mysore Railway.—Direct official communication between the officers of the Mysore State and of the Railway.

No. 724 OF 1888, P. W. DEPARTMENT, RAILWAY.

BOMBAY CASTLE, *7th April* 1888.

READ AGAIN:—Government Resolution No. 229 of 31st January 1888; from the Consulting Engineer for Railways, No. 2099, dated 26th March 1888. Submits the following letter No. 5254-2095, of the 16th idem, from the Agent and Chief Engineer, Southern Mahratta Railway Company—

"With reference to Government Resolution No. 229, dated 31st January 1888, I have the honor to inform you I see no reason why the Company's officers should not correspond with the Mysore State officials on matters of routine affecting the Company's business, in the same manner as the Southern Mahratta Railway officers communicate direct with the officials of the British Government on like subjects.

"2. The Agent is nominally the sole channel of communication between the Company's officers and Government, but in practice on this and other Guaranteed Railways the Company's officers communicate with Government officials in regard to such questions as may arise in connection with fuel supplies, land, and the ordinary business of the railways as carriers, &c., the Agent dealing with the Consulting Engineer on questions relating to policy, projects, sanctions, and such subjects as require the approval or sanction of the Secretary of State; and the same procedure with regard to the railway might very advantageously be adopted.

"RESOLUTION.—The Governor in Council is pleased to approve of the proposals of the Agent and Chief Engineer, Southern Mahratta Railway Company. Direct official correspondence should, however, be confined to officers of the Southern Mahratta Railway Company and no one under the rank of a Sub-Divisional Officer, *i.e.*, an Assistant Engineer or other officer holding analogous rank, should be permitted to correspond on any matter with Mysore Government officials."

No. 866-73—Cir. 23, dated 9th May 1888.

Copies of the foregoing are forwarded to Deputy Commissioners of Districts for information and guidance.

Other Correspondence.

28. *Extract from Letter No. 272-15, dated Bangalore, 7th May 1883, from the Assistant Resident in Mysore, to the President, Municipal Commission, Civil and Military Station.*

It has been arranged with the Durbar that official correspondence shall hereafter be carried on between the officers of the Civil and Military Station and of the Mysore State through the Resident on one side and the Dewan on the other. This rule will in future be strictly observed by all officers in the Civil and Military Station.

29. *Extract from Proceedings No. 1078-9—5, dated 6th June 1883.*

4. The attention of all officers of the Mysore Government is drawn to the arrangement entered into between the Durbar and the Resident and referred to in the concluding paragraph of the Assistant Resident's letter above read as regards official correspondence between the officers of the Mysore Governmet, and of the Civil and Military Station.

30. *Extract from Residency Letter No. 836-133, dated 11th July 1884.*

6. The Resident has no objection whatever to make to any of the arrangements made or to the conditions specified in Secretary to Mysore Government Public Works Department Letter No. 3436 of 20th November last; but he wishes to point out that, in Bangalore as elsewhere, it has always been the rule for the Military authorities to communicate with the Durbar through the Resident, and that in a matter like this of an important and permanent character in which orders of the Government of India were carried out to completion, it was clearly necessary that this course should have been followed. The Durbar will also recollect that only some three months before this correspondence began, Sir James Gordon, with reference to the difference between the District Magistrate, Civil and Military Station, and the Secretary to the Mysore Government Public Works Department, on the subject of the Miller's tank channels, passed orders strictly requiring all correspondence other than simple routine between officers of the Civil and Military Station and the Durbar to pass through the Resident's office. It is believed that you also issued similar instructions to officers of the Mysore Government. Mr. Lyall is therefore surprised that the necessity was not perceived in this case.

31. *Extract from Residency Letter No. 1776, dated 20th May 1895.*

3. I am to observe that a perusal of the papers relating to this subject shows that direct correspondence has taken place between the President of the

Municipal Commission and officers of the Mysore Government. This procedure is opposed to the established custom and has resulted in unnecessary delay. In this connection attention is invited to this office letter No. 836—133, dated the 11th July 1884.

32. *Extract from Residency Letter No. 4061, dated 12th October 1895.*

3. I am to add that the present case serves as an illustration of the delay and inconvenience caused by direct correspondence between the Durbar and the Military authorities. The Resident trusts that the requests made in this office letters marginally noted will be carefully complied with.

No. 1776, dated 20th May 1895, and No. 2093, dated 11th June 1895.

33. *Letter No. 4781, dated Bangalore, 2nd December 1895, from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

The General Officer Commanding the Bangalore District has represented that much inconvenience has been experienced by Military officers not being allowed to correspond direct with the Durbar officers on such subjects as rice certificates and other minor details connected with recruiting for regiments, and he has asked the Resident whether in such small matters which require prompt settlement, direct correspondence may not be permitted.

2. Direct correspondence on the subject of rice certificates would be unobjectionable, but opinions are liable to differ as to whether certain matters are "of minor detail" or not, and considerable inconvenience has been experienced in this office by direct correspondence having been carried on on a subject which, though at the outset seemingly trivial, afterwards assumed a greater or less degree of importance. Mr. Mackworth Young is however of opinion that it is quite possible to make certain exceptions to the procedure referred to in para 3 of this office letter No. 4061 of the 12th October last, and is inclined, after consulting the local Military authorities, to allow direct correspondence on the following subjects :—

(1) Supplies for troops at field training.
(2) Relative to recruiting parties in districts.
(3) Relative to claimants for family pension.
(4) Rice certificates.

3. I am to enquire whether the Durbar sees any objection to the proposal

34. *Letter No. 6483—Pol. 187, dated 4th December 1895, from the General Secretary to the Government of Mysore, to the First Assistant to the Resident in Mysore.*

I am directed to acknowledge the receipt of your letter No. 4781, dated 2nd instant, and in reply to state that the Durbar have no objection to the British Military authorities corresponding direct with the officers of the Mysore State in matters indicated in para 2 of your letter under reply.

Official Memo No. 7614-21—Mis. 1100, dated, Bangalore, 8th January 1896.

The foregoing copies are forwarded to the Deputy Commissioners of Districts for information and guidance.

35. *Letter No.* 723, *dated 2nd March* 1896, *from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your letter No. 6483—Pol. 187, dated the 4th December 1895, I am directed to state that the Resident has no objection to the correspondence on the following subjects being carried on direct between the Military authorities and the officials of the Mysore State :—

(1) Supplies for troops at field training.
(2) Relative to recruiting parties in districts.
(3) Relative to claimants for family pension.
(4) Rice certificates.

36. *Proceedings of the Government of Mysore, General, No. 10-17 D. C., dated Bangalore, 11th August 1897.*

CIRCULAR ORDER.—Deputy Commissioners of Districts should invariably submit to Government immediate information regarding the occurrence of assaults upon camp followers of British troops, or of other offences of a similar nature, with details as to attendant circumstances, etc. The progress of the action taken in connection therewith should also be reported from time to time for the information of Government.

2. Direct correspondence in such matters with the British Military authorities is opposed to standing orders and should not be carried on.

37. *Letter No.* 3631, *dated 2nd September* 1897, *from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

The General Officer Commanding the Bangalore District has submitted for the consideration of the Resident, a proposal to allow direct correspondence between the officers of the Mysore State and the Military authorities on the following subjects with a view to curtail correspondence without inconvenience—

(*a*) Commissariat and Transport Resource Reports.
(*b*) Extracts from long rolls of deserters.
(*c*) Hiring of Mysore Government Plantations and of City Municipal lands for hay growing purposes.
(*d*) Complaints in connection with kavals as regards trespass encroachments, cattle-pound authorities, &c.
(*e*) Supplies to troops marching on permanent transfer.
(*f*) Price lists.

2. Colonel Robertson is of opinion that the proposal, to add *a*, *b*, *e* and *f*, to the subjects enumerated in my letter No. 723, dated the 2nd March 1896, seems to be unobjectionable, but that it is advisable that correspondence on *c* and *d* should pass through this office.

3. I am to ask you to favor the Resident with your views on the subject at your early convenience.

38. *Letter No.* 3290—*P. F.* 17-96, *dated* 10*th September* 1897, *from the Secretary to the Government of Mysore, General and Revenue Departments, to the First Assistant to the Resident in Mysore.*

In reply to your letter No. 3631, dated the 2nd instant, I am directed to state that the Durbar have no objection to the British Military authorities corresponding direct with the officers of the Mysore State on the subjects marked (*a*), (*b*), (*e*) and (*f*) in the first para of that communication. The Durbar agree with the Resident in thinking that it is advisable that correspondence relating to (*c*) and (*d*) should pass through the Residency and this office.

General, dated 8th November 1897.

39. *Letter No. 4508, dated 29th October 1897, from the First Assistant to the Resident in Mysore, to the Dewan of Mysore.*

With reference to your letter No. 3290—P. F. 17-96, dated the 10th ultimo, I am directed to state that, after consulting His Excellency the Lieutenant General Commanding the Forces, Madras, the Resident has no objection to the addition of the following subjects to those in respect of which direct correspondence has been permitted in this office letter No. 723 of the 2nd March 1896 between the Military authorities and the officials of the Mysore State—

(1) Commissariat and Transport Resource Reports.
(2) Extracts from Long Rolls of Deserters.
(3) Supplies to troops marching on permanent transfer.
(4) Price lists.

2. In connection with questions relating to the leasing of Mysore Government Plantations and of City Municipal lands for hay growing purposes and to complaints concerning kavals as regards trespass encroachments, cattle-pound authorities, etc., His Excellency the Lieutenant General concurs with Colonel Robertson that correspondence on these matters should pass through this office and that of the Dewan of Mysore.

---

40. *Proceedings of the Government of Mysore (General).*

READ:—

Letter No. 3631, dated 2nd September 1897, from the First Assistant to the Resident in Mysore.
Letter No. 3290—P. F. 17-96, dated 10th September 1897, to do do.
Letter No. 4508, dated 29th October 1897, from do do.

No. 5326-35—Mis. 1035, DATED, BANGALORE, 11TH NOVEMBER 1897.

ORDER.—The foregoing correspondence will be communicated to the Deputy Commissioners of Districts, the Conservator of Forests and the President, Bangalore City Municipality, for information and guidance.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

1897-98

GOVERNMENT OF MYSORE

GENERAL

PROCEEDINGS

Dated 8th November 1897

No. 5188-216 / Mis. 995

Publishing papers regarding direct correspondence between Durbar Officers and Officers of the British Government.

M.G.C.P.B.—13-11-97—250

1902 8

Note

With this letter No 2553 of the 28th Octr, 1902 to the address of the Distt Majr, C & M Station, Bangalore, (which was sent to this Office for transmission) the Senior Surgeon forwarded letter to this address, No 161 of the 17th idem from the Civil Surgeon, Kolar Gold Fields, reporting that he had to refuse to serve a summons from the Cantonment Magte, Bangalore, on Chinnasamy Naicker, 2nd class Hospital Apptt, Kolar Gold Fields, as the same was not sent through the usual Channel, Viz Senior Surgeon's

Surgeon's Office, and that in the same Case the Magte once served a summons direct on the Hospital Apptt without even his (Civil Surgeon's) Cognisance, and bringing to the Senior Surgeon's notice the inconvenience caused to the Medical work by such calls on the only Hospital Apptt without another to take up his work &c.

On receipt of the above Commn, a letter was addressed to the F.A. to the Resident, stating the inconvenience brought to notice by direct service and requesting issue of necessary instructions for the service of summonses on the Med. Staff of the Durbar thro: the Senior Surgeon

In reply to the above reference, the Residency enquires whether the

< No 7404 dtd 19/1 8/13/1/02

† No 3498 dtd 24/1/02

summons in question was served direct on the Asst or thro' the local Impose Magistracy or Police, and requests the forwarding of the original summons.

A copy of the above letter was sent to the Senior Surgeon who was requested to furnish the info therein called for.

The Senior Surgeon has now forwarded the Civil Surgeon's letter No 189 of the 25th October, 1901, in which he says that the summons was sent to the local Police for service on the Hospital Asst from the Court of the Distt Magte, C. & M. Station, Bangalore".

In his subsequent letter to the Senior Surgeon, No 3008 6/2/02, the Civil Surgeon says that the original summons was

was served on the Hospital Applt and returned, by the Police to the Magte, the duplicate Copy thereof having also been ~~sent~~ subsequently returned to the ~~Distt~~ Magte by the Hospital Applt when he claimed bail from that Court.

Subd with draft

A.W.
12/2/02

Subd with draft.

A.W.
13/2

In this Case, why should we have complained to the Resdt. A direction to our Police Officers would have been enough. Why was this fact (sending these Police) not brought to notice before writing to the Resdt? A

14/2 -

10

Submitted

No 300 dy 6/2/02

That the summons in question was served on the Hospital Apstt thro: the Local Police, is now reported by the Civil Surgeon of the Kolar Gold Fields in reply to the enquiry made from this Office vide per para 2 of the Residency letter No 349 of the 21st Jany/02

No 181 dy 11-10-01

In his first Comm[n] on the subject to the address of the ~~Civil~~ Senior Surgeon, the Civil Surgeon[s] ~~was~~ reported "In this same Case, the Magte once served a summons direct on the Hospital Apstt without even my Cognizance".

M.O. 17/2/02

The complaint of the Resident appears to have been addressed under the belief that the service effected had been direct on the Hospl Apstt. without the intervention of the Local Police.

18-2-02

~~Draft a letter to~~

~~Draft an order to the~~ There must be a general order about service of such summonses. If so, the Police I.G.'s attention may be drawn to it. Let me have both drafts please. H.M.

The Police are not always able to trace any order according to which they are to serve such summons through the official superiors of the person summoned. There is, however, an order of 30th June 1897 (no. 1397-905) which seems to make it incumbent on the person summoned to forward the sanction of his official superior to the effect that he does not desire to be tried.

S.72 of the Cr. Pr. Code requires summonses to be ordinarily served through the head of the Dept. But the injunction is addressed to the Court and not to the Police. Is there anything against forwarding a rule in the Judl. Dept. directing the Police to send such summonses for service to the Head

of the Department? Please
let me have this with
any existing rules (Police)
in the Subject.

4/4

To Jud. Branch

4/4/02

Submitted with a copy of the
Police Rules. Please see section 22
on the subject.

SN
10/4/02

The Police Rules
do not contain any direction
as to the mode of
service. This does not seem
to be a matter which
can be dealt with by
the Chief Court under
S. 554 Cr. P.C. So a
circular will have to
be issued. Provision may
be made if considered
necessary in the proposed Police
Regn. under consideration
or a separate circular
issued. Submitted for order

Sri
10/4/02

I was somewhat doubtful what reply to send & so kept the paper G/ to think over.

A draft cs submitted for approval.

HJ

26/4

The Dewan.

RJ
26.4.02
4292

(Draft approved 3.5.02)

Issue
HJ

5/5

Office note Continued

In this office letter (Serial No 87) dated 5th May 02 to the F.A. Resident, it was pointed out that S. 72 of the Brl Procedure Code required that Summonses ~~of persons~~ on persons in the active

active service of Govt, should be served through the head of the office in which the person summoned may be employed, and that as this provision applied only to Courts & not to Police Officers, it was the intention of the Durbar to request the Honble the Resident to direct that that provision of the law may be carried out also in respect of Summonses issued for service on officials of the State.

In reply, the 1st Assistant Resident forwards copies of certain correspondence between himself & the Dt Magte. C. & M. Station on the Subject and enquires whether under the circumstances as explained

× Vide letter No 3698 dated 9-7-02

explained by the Dy Magte C & M. Station, the Darbar consider that any further action is called for.

In his letter No 1682 of the 30th June 1902, to the 1st Asstt. Resident, the Dy Magte, C. & M. Station Bangalore, State's that Summonses issued by his Court and the Court of the ~~Dy~~ 2nd Magistrate to the officials of the Mysore State are invariably sent for service through the Heads of the Departments under whom they are known to be employed as required by Section 72, Cr. Pro. Code; & that Summonses to persons other than officials are sent for service to the Magistrate in the Mysore State within the local limits

* copy enclosed with the Resident's letter

of whose jurisdiction they are said to reside. He further states that all warrants of arrest and distress are also forwarded to the same officers (Secs 78 & 83 Cr. Pro. Code).

As regards the suggestion that in the case of summonses for service on a servant of a Railway Company or of the Mysore Govt., the same might be sent to some magistrate having jurisdiction in the manner provided by section 73 of the Cr. Pro. Code, the Dy. Insp. C. & M. Station, (States that the present practice is in accordance with law and that by it service is effected more expeditiously than it would be were the processes sent to a Magte. He also add

that the head of a Dept. can, not only effect services of his subordinate at once but also arrange for his relief and the carrying out of his duties;

The Dewan's order on the Residency letter is as follows:— —

"The proposal seems to be all right and might be considered."

Submitted for orders.

19/7/02

SECTION

FILE No.

SERIAL No.

541 Vols: 163

190 5570 30.X.01

From The Senior Surgeon

To, C.T. Harris, Esq Magistrate

& Ag Station,

Bangalore

Thro'

THE SECY. TO THE GOVT. OF MYSORE,

& The Hon'ble the Resident in Mysore GEN. & REV. DEPTS.

Dated 28-10-07.

Despatched

Received

General No. 2553.

No.

Enclosure No. 1

Stating that in times of epidemics like the present, the Mysore Medical Staff cannot be allowed to attend Court until some one is posted to relieve them.

References to be marked.

MGCPB—5,000—24-7-01.

Thro: The Secy: to Govt of Mysore
Genl: & Rev: Depts
& The Hon'ble ~~the~~ 190 Resident in Mysore

FROM

2553
28.10.01

SECTION

FILE No.

SERIAL No.

To

L. J. Harris Esqr. I.C.S.
District Magistrate
C & M. Station
Bangalore

Dated

Despatched

Received

General No.

No.

Enclosure No. 1.

Stating that, in times of epidemics like the present, the Mysore Medical Staff cannot be allowed to attend Court until some one is posted to relieve them.

MGCPB—3-3-01—50 reams.

Thro'
The Secretary to the Government of Mysore
General and Revenue Departments
Bangalore
and
The Honble the Resident in Mysore

From
Lt. Col: J. Smyth M.D., I.M.S.
Offg: Senior Surgeon & S.M.O.

To
C. G. Harris Esquire I.C.S
District Magistrate
Civil and Military Station
Bangalore

No. 2553
28.10.01

Sir,

I have the honor to inv
your attention to the accompanying
Copy of letter No: 181 dated 11th
October 1901 received from the
Civil Surgeon, Kolar Gold Fields
and to state that, in times like
the present, our Medical Staff
Cannot be allowed to attend
Court until Some one is posted
to relieve them. "By Order"

I have the honor to be
Sir,
Your most obedient Servant
[illegible]

To the Offg: Personal assistant
to the Offg: Senior Surgeon & S.M.O.

Encl to 811

From

Mr E. S. Krishnaswami Iyer
Civil Surgeon Kolar Gold Fields

To

Major J. Smyth M.D. I.M.S.
Senior Surgeon & Sb. Mysore Govt.
Bangalore

Dated } 11th October 1901
Despatched }

General No: 181

Sir

I have the honor to report that I had to refuse the serving of a summons from the Cantonment Magistrate Bangalore on 2nd class Hospital Assistant Chinnaswamy Naicker of the Civil Hospital Kolar Gold Fields. The summons was not sent through the usual channel viz your office. In this same case the Magistrate once served a summons direct on the Hospital Assistant without even my cognisance. I had to permit the Hospital Assistant to proceed to Bangalore. He returned after 2 days without being examined. The magistrate did not attend Court on the days specified in the summons. This was in the first week of this month.

With an average daily attendance of about 125 out door patients & with the

Epidemic

epidemics of Cholera, Smallpox & plague lingering on the Fields, I find it very inconvenient to spare the services of the only Hospital Assistant attached to the Civil Hospital even for a day. I request therefore that another Hospital Assistant may kindly be posted here for Epidemic duties if Hospital Assistant S. Kitto does not come back to the Gold Fields on his return from leave.

I have &c
(Sd) E. S. Krishnaswami
Civil Surgeon
Kolar Gold Fields

Copy.

By order.

Surgeon

Personal Asstt. to the
Offg. Senior Surgeon P.C. Rly.

1901.

GOVERNMENT OF MYSORE

SECTION — To

FILE NO. —

SERIAL NO. — 2

The A. Resident in Mysore.

Sir, No. 7440 / Pol 191 & 13/11/01

Draft submitted for approval

4/11

To the Dewan

2310 approved

5.11.01

4295 4/11/01.

Issue

6/11

The Civil Surgeon of the Kolar Gold Fields, has brought to the notice of the Durbar, through the Sr Surgn, the inconvenience caused by the direct service of a Summons from the Cantonment Magte, Bangalore, on the Hospital Assistant attached to Civil Hospital of that place,

The Senior Surgeon represents that the medical officer in an important

2 with an average daily attendance of about 125

out-door patients and with the Epidemics of Cholera Small-pox and plague linger-ing in the fields, the Civil Surgn reports that he could not conveniently spare the services of the Hospital Assistant and had to refuse the serving of a summons from the same Magte on the Hospital Assistant.

3. We cordially agree with the Senior Surgn in thinking that in times like the present, the Medical Staff could not be allowed to attend Court until someone is posted to relieve them and a place cannot be spared without a substitute being provided, and especially that to do this, it is necessary that summonses should be served through him allowing proper time for the purpose.

I am therefore
Dear Accordingly directed to request you
kindly
to issue necessary instructions
for the service of summoned
on the Medical staff of the
Durbar, through the Sr
Surgeon with the Govt of
Mysore, to enable that Offr
to arrange for the relief
of the individual required.

I have &c

Secy.

at the time of the prevalence of epidemic diseases

No. 7449
in 1158

Copy to Sr Surgn with
reference to his letter No. 2553
dated 28th Octr. 901.

OFFICE OF THE
9077
22-1-02
1901-2

SECTION

FILE No.

DRAFT No. 3

From THE FIRST ASSISTANT TO THE HON'BLE THE RESIDENT IN MYSORE.

To THE DEWAN OF MYSORE.

Pol 1029

Dated 21st January 1902.

Despatched

Received

General No. 349
No.

Enclosure No.

Enquiring whether the Summons from the Cantonment Magistrate, Bangalore was served direct on the Hospl Apprt in the Kolar Gold Fields, or thro' the local Mysore Magistracy or Police & requesting to send the orgl Summons

References to be marked.

7448 8/13/11/01 & n.r.
Pol 191
1/27.1.02

MGCPB—2,000—30-7-01.

No. 349

Rect 21/1/02 HL
Hrig
Mutt
23.1.02

FROM

C. L. S. RUSSELL, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT
IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 21 January 1902.

SIR,

I am directed to acknowledge the receipt of your Secretary's letter No.7448/Pol.191 dated 13th November 1901, regarding the direct service of a summons from the Cantonment Magistrate, Bangalore, on the Hospital Assistant attached to the Civil Hospital in the Kolar Gold Fields.

2. I am to enquire whether the summons in question was served direct on the Hospital Assistant or through the local Mysore Magistracy or Police. I am to request that the original summons may be forwarded to this office.

I have the honour to be,
Sir,
Your most obedient servant,

C. L. Russell

First Assistant Resident.

BS. 3-1-

SECTION———————

FILE NO.———————

SER'A. No. 4

Herewith letter No. 349 dated 21st January 1902 from the First Asst to the President in Mysore.

No 12545 / No 1878 dt 29-1-02

The foregoing copy is forwarded to the Senior Surgeon and Sanitary Commissioner with the Govt of Mysore, in continuation of this office No 7469 / No 1158 dated the 13th November 1901 and with a request that the information therein called for may be furnished at an early date.

By order

28/1/02

for Secretary

28/1/02

10327 mis. 2615

190

From

4104
5.2.02

To

H. V. Nanjundayya Esqr
M. A., M. L.
Secy: to Govt
Genl: Revl: Depts
Bangalore

Dated

Despatched

Received

General No.

No.

Enclosure No. 1.

Stating that the Civil Surgeon Kolar Gold Fields has been asked to submit the original summons if available.

C 7.3.02

Refer: pub. dep. Subd i C.
M. 10/2/02

MGCPB—3-3-01—50 reams.

From 081

Lt.-Colonel Percy. H. Benson M.B., I.M.S.,

Senior Surgeon & Sanitary Commissioner

with the Government of Mysore,

Bangalore.

To

V.V.Nanjundayya Esqr: M.A. M.L.

Secretary to the Government of Mysore

General and Revenue Departments,

Bangalore.

Dated 5th February 1902.

No. 4104

Sir,

With reference to your No. 12545 M.1878 dated 29th January 1902, I have the honor to forward the enclosed extract from and copy of Nos.181 and 189 dated 11th and 25th October 1901 respectively from the Civil Surgeon, Kolar Gold Fields furnishing the in-formation therein called for and to state that the Civil Surgeon has been asked to submit the original summons if available.

I have the honor to be,

Sir,

Your most obedient servant,

Lt.-Colonel, I.M.S.,

Senior Surgeon & Sanitary Commissioner

Mysore Government.

True Extract from letter No: 181 Dated 11th October 1901 received from Mr. E. S. Krishnaswami Iyer Civil Surgeon Kolar Gold Fields.

5/a

Sir,

I have the honor to rekort that I had to refuse the serving of a summons from the Cantonment Magistrate Bangalore on 2nd Class Hospital Assistant Chinnaswami Naicker of the Civil Hospital Kolar Gold Fields.

The summons was not sent through the usual channel viz your office. In this same case the Magistrate once served a summons direct on the Hospital Assistant without even my cognisance. I had to permit the Hospital Assistant to kroceed to Bangalore He returned after 2 days without being examined. The Magistrate did not attend Court on the days specified in the Summons This was in the first week of this month.

With an average daily attendance of about 125 Outdoor patients and with the Epidemics of Cholera, Smallpox & Plague lingering on the Fields I find it very

inconvenient

inconvenient to spare the services of the only Hospital Assistant attached to the Civil Hospital even for a day.

From

Mr. E. S. Krishnaswami Iyer
Civil Surgeon, Kolar Gold Fields

To

Lt: Col: J. Smyth M.D. I.M.S.
Senior Surgeon and Sanitary Commissioner
Mysore Government
Bangalore

Dated } 25.10.1901.
Despatched }

General No: 189

Sir,

In reply to your Docket no: 2466 Dated 23.10.01 I have the honor to report that the summons from the Court of the District Magistrate C & M Station Bangalore was signed by the Court Clerk and not accompanied by any docket. Hence I am unable to give the name of the Magistrate. The summons was sent to the local Police

for

for service on the Hospital Assistant from the Court of the District Magistrate C & M Station Bangalore.

I have &c
(Sd) E. S. Krishnaswami
Civil Surgeon Kolar Gold Fields.

"True Copy."

Lt: Col: I.M.S.
Senior Surgeon & E.D.
M.G.

Mis 2652

8(6)

OFFICE OF THE
10449
11 FEB. 02 190
BORE

4148
10.2.02

SECTION

FILE NO.

SERIAL NO. 6

FROM

To

H. V. Nanjundaryya Esqr
M. A. M. L.
Secy: to Govt
Genl & Rev: Depts.
Bangalore

Dated

Despatched

Received

General No.

No.

Enclosure No. 1.

Forwarding Copy of letter No: 300 of 6.2.02 from the Civil Surgeon Kolar Gold Fields - re the Service of Summons on Hospital Asst. Chinnasamy Naiker.

MGCPB—3-3-01—50 reams.

From

Lt. Col. Percy ". Benson M.B, I.M.S,

Senior Surgeon and Sanitary Commissioner

with the Government of Mysore, Bangalore.

To

H.V.Nanjundayya Esq. M.A, M.L,

Secretary to the Government of Mysore

General and Revenue Departments, Bangalore.

No 4148

nated 10th February 1902.

Sir,

In continuation of this office No.4104 of 5-2-02, I have the honor to forward for information the accompanying copy of letter No.300 of 6th idem from the Civil Surgeon Kolar Gold Fields re the service of summons on "ospital Assistant Chinnasawmy Naicker.

I have the honor to be,

Sir,

Your most obedient servant

Lt.Col.I.M.S.

Senior Surgeon and Sanitary Commissioner

Mysore Government.

1902

6a

From Mr E. S. Krishnaswamy Iyer
Civil Surgeon, Kolar Gold Fields

To Lt: Col: Percy A. Benson M. B. I. M. S.
Senior Surgeon and Sanitary Commissioner M. G.
Bangalore

Dated } 6th February 1902
Despatched }

General No: 300

Sir,

In reply to your docket No: 41030/5.2.02 I have the honor to state that as the attendance of Hospital Assistant Chinnaswamy Naicker had been endorsed on the back of the duplicate of the summons the same was sent to the Magistrate when Hospital Assistant Chinnaswamy preferred his claims for batta from the Court of the Magistrate C and N Station. It was not returned.

The original of the summons was returned by the Police to the Magistrate immediately it was served on the Hospital Assistant by the Police

I have &c
(Sd) E. S. Krishnaswamy
Civil Surgeon
Kolar Gold Fields

"True Copy"

Benj. A. Benson

Lieut. Colonel: I. M. S
Senior Surgeon & S. & M. G

8/ 547(8)

No. [illegible]

To The H.M. Resident.

No 17744 dy 5/5/1902.
Fol: 446

Sir,

In reply to the enquiry concerning the mode of service of a Summons referred to in your letter No. 549 d. 21 Jan 1902, and subsequent reminder, I am directed to state that the Summons was as usual served through the Police officers of the Kolar Gold Fields. The original Summons was returned to the Court of the Distt Magte C.+M. Stn, from whom it had been received

The duplicate is also said to have been returned when the Hospl Asstt claimed costs in Court.

2. The summonses from the C & M Sts Cts are sent to the Police directly, like similar processes issued elsewhere in ~~the~~ Cyprus, under the arrangement ~~last~~ stated in your letter No. 1612 - 264 d. 10 Nov 1884. ~~By these instructions~~ S. 72 of the Cr. Procedure Code requires that summonses on persons in the active service of the Force ~~such persons~~ shall ordinarily be served through the head Office of the Police, in which the person summoned may be employed. As this is

provision (which also exists in the Mysore Code) applies only to Courts and not to Police Officers, it was the intention of the Darbar, (I am to state) to request that the Hubble the Resident may, if he could see his way to do it, direct that ~~this procedure of~~ that provision of the law may be carried out also in respect of Summonses issued for service on officials of the State.

I have &c

"Mr
3.V.22